

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NANCY KOENIG,)
Plaintiff,) 8:04CV486
vs.) AMENDED
CBIZ BENEFITS & INSURANCE) FINAL PROGRESSION ORDER
SERVICES, INC.,)
Defendant and)
Third Party Plaintiff,)
vs.)
GARVEY & ASSOCIATES, INC.,)
Third Party Defendant.)

This matter is before the court on the plaintiff's motion to continue the date for the pretrial conference (Filing No. 170) and the defendant's motion to continue trial (Filing No. 175). In connection with these motions, the court held a telephone conference with counsel for the parties on April 18, 2006. The court will also resolve the defendant's motion (Filing No. 184) and amended motion (Filing No. 186) to extend time to respond to the plaintiff's pending motion *in limine* (Filing No. 171). Although the defendant notes the motion is opposed by the other parties, the court concludes a short extension of the response date is appropriate under the circumstances. However, the defendant's request for an indefinite response deadline as requested in the amended motion based upon the anticipated extension of the motion *in limine* deadline will be denied. Upon consideration,

IT IS ORDERED:

1. The defendant's motion to extend time (Filing No. 184) is denied as moot.
2. The defendant's amended motion to extend time (Filing No. 186) is granted as set forth herein. The defendant shall have to **on or before May 15, 2006**, to respond to the plaintiff's pending motion *in limine* (Filing No. 171).

3. The plaintiff's motion to continue the date for the pretrial conference (Filing No. 170), and the defendant's motion to continue trial (Filing No. 175) are granted as set forth below.

4. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall provide to all other parties the following information regarding the evidence that it may present at trial other than solely for impeachment purposes as soon as practicable **but not later than the date specified:**

A. Deposition Testimony and Discovery - On or before August

21, 2006: 1) The portions of each deposition, designated by page and line, that it intends to offer and 2) each discovery response of another party it intends to offer. Such designations and any objections thereto shall also be included in the final pretrial conference order. **See** NECivR 16.2.

B. Trial Exhibits - On or before August 21, 2006: A list of all exhibits it expects to offer by providing a numbered listing and permitting examination of such exhibits. The parties shall also designate on the list those exhibits it may offer only if the need arises.

C. Waiver of Objections - Any objections to the use of witnesses, deposition designations, discovery responses, or exhibits shall be listed in the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) shall be deemed waived, unless excused by the court for good cause shown.

D. Filing of Disclosures - The filing of pretrial disclosures required by Fed. R. Civ. P. 26(a)(3) shall be deemed filed at the time of the filing of the Order on Final Pretrial Conference in this matter.

5. **Motions in Limine.** Any motions *in limine* shall be filed not later than **September 6, 2006.**

6. **The Final Pretrial Conference** with the undersigned magistrate judge is set for **September 15, 2006, at 9:00 a.m.** in chambers, Suite 2271, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The final pretrial conference shall be attended by lead counsel for represented parties. Counsel shall complete prior to

the pretrial conference, all items as directed in NECivR 16.2. By the time of the pretrial conference, full preparation for trial shall have been made so that trial may begin at any time during the session indicated below.

7. **Trial** is set to commence **at 8:30 a.m. on October 10, 2006**, in Omaha, Nebraska, before the Honorable Joseph F. Bataillon and a jury.

8. **Motions to Alter Dates.** All requests for changes of date settings shall be directed to the undersigned magistrate judge by appropriate motion.

DATED this 20th day of April, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge